REMARKS/ARGUMENTS

This reply is responsive to an Office Action dated on July 7, 2003. Claims 1-13 were pending in the subject application. In order to clarify the language of the claims, Applicants have amended claims 4 and 6-13, cancelled claims 1-3 without prejudice to add them to a divisional patent application, re-presented dependent claim 3 as independent claim 14, and added new claims 15-38.

The amendments to the claims were clarifying amendments, and there is no intent to surrender equivalence.

Claim Rejections - 35 U.S.C. Section 102

Claims 1, 2, 4, 10, 12 and 13 have been rejected under 35 U.S.C. section 102(b): as being anticipated by the Chuang patent 5,987,421.

The Chuang patent discloses the use of a group of two-way pagers (GID devices) which are carried by guests as they move through a defined location such as a theme park. The pagers send request information to Identification Signal Searching Units (ISSU) of a Central Control System (CCS) are installed throughout the park for determining the location of particular persons. The CCS determines the location and direction of a desired person relative to the requesting person. A message is sent to the two-way pager carried by the person requesting the information to describe the distance and the direction of the desired person relative to the requesting person.

As stated in Column 11, lines 52-59:

> "Should a guest wish to locate another guest from his group, he simply selects the proper designation on his GID device. A wireless signal is transmitted from the GID device and is

> received by at least the nearest ISSU. The ISSU transmits the search signal in an attempt to locate the targeted GID device. If the GID device is found, its location and direction is relayed back to the ISSU which then forwards the Information to the searching GID Device. In the event that the GID Device is not found, the search signal is relayed to the CCS via the ISSU. The CCS forwards the search signal to all ISSUs thus effectively blanketing the park. Once the targeted GID Device is located, its location and direction is relayed back to the ISSU which sent the original search signal via the CCS."

Thus, unlike the claimed invention, the '421 patent employs two-way communication devices (e.g., the GID devices): which receive the location information. Additionally, unlike the claimed invention, once a request is sent from a GID device, a search is conducted first by the nearest ISSU to determine the location of a single guest. This may or may not result in the location of the desired guest. If not, then the search is expanded throughout all of the ISSU units distributed throughout the area. Therefore, such a searching operation is time consuming, especially when emergency situations have arisen.

As disclosed in the '421 patent, once the person is located, a message is sent to the two-way pager carried by the person requesting the information. The message provides directions as to the location of the other guest. The approximate distance from the person being located relative to the person requesting the information is specified in the message. Also, the direction of the person being located relative to the requesting person is then provided as well. This information must then be used by inspecting one of the maps which are

distributed throughout the park for display (see Column 12, lines 18 and 19). This requires a possible further delay in attempting to find one of the maps, and then utilizing the directions from a message attempting to find a suitable pathway to the other guest.

Thus, valuable time can be wasted in an emergency using such a method and apparatus as disclosed in the '421 patent. Additionally, such unwanted delays can also occur where there is a large group of guests which desire to remain in communication with another. For example, when a large group of tourists is ready to leave to park, it is desirable to quickly ascertain the location of all of the members of the group. Using the method of the '421 patent, a separate search would have to be conducted for each member of the group. There would have to be separate directions for each individual member of the group, and then separate pathways would need to be determined from a map in the park. As the size of the group increases, there is time delays associated with the determining of the locations of all the members of the group.

As specified in claim 14 (re-presented – formerly dependent claim 3), applicants' method provides "communicating continuously with all of the tags using a group of monitoring sites distributed throughout the defined environment as said members move within said defined environment." The method of the '421 patent is to search for a guest in response to a request, and not to continuously communicating as claimed.

Claim 14 further specifies "determining continuously location information of each member from said communicating". The '421 patent does not disclose the continuous determination, but only in response to a request.

As specified in claim 14, the method of the present invention receives "location request information by one of a plurality of identification stations distributed throughout the defined environment being activated by a requesting member." The '421 patent does not disclose, nor suggest the use of identification stations. Instead, the '421 patent merely discloses ISSU search units, which do not track the movement of the guests but searches for a desired one in response to a request from a pager. The expensive two-way pagers are used to communicate with the ISSU units.

Unlike the '421 patent, claim 14 specifies "wherein providing said location information comprises displaying a map of said defined environment on a monitor of the activated identification station and an indication of each member on said map." The '421 patent does not disclose the display of a map, but instead discloses the sending of a message which includes directions, to the two-way pager operated by the requesting party. There is also no indication of each member on the map.

Additionally, unlike the '421 patent, claim 14 specifies that "wherein said indication comprises a plurality of different person icons representing each of the members of the group, displaying all of the person icons on the map, and positioning all of the person icons on the map according to the relative locations of all the members of the group within the defined environment." The '421 patent does not disclose a map, and merely suggests sending messages concerning the location of a single guest to a two-way pager.

Thus, claims 4, 10, 12, 13 and 14 patentably distinguish over the Chuang patent 5,987,421.

Claim Rejections – 35 U.S.C. Section 103

Claims 3 and 9 have been rejected under 35 U.S.C. § 103(a): as being unpatentable over Chuang and U.S. patent 5,652,570 to Lepkofker. As mentioned previously, dependent claim 3 has been re-presented as new independent claim 14, which patentably distinguishes over the Chuang patent for the reasons as previously mentioned.

The '570 patent discloses a monitor which displays a map and tracks the location of a single person from place-to-place for medical purposes. As indicated in FIG. 11 of the '570 patent, destination points and directions of travel are superimposed on a map.

There is no motivation to combine the teachings of the map display of the '570 patent with the two-way pager system of the '421 patent. In fact, there is no teaching, nor suggestion of any such combination. It is also difficult to imagine how the teachings of the two patents could somehow be combined. The display of a map showing the location of all the members of a group distributed throughout a theme park could not readily be provided on conventional two-way pagers in such detail that one could readily locate each member on the map. Portable pagers usually have relatively small screens.

There is no statement of any rationale or motivation for the combining of the two references. It is not proper to reject the claims based on a combination of references where conclusory statements are made to deal with the particular combinations of prior art and specific claims.

Thus, claims 9 and 14 patentably distinguish over the '570 patent, either taken alone or in combination with the '421 patent.

Claims 5-8 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang. Claims 5-8 and 11 as amended patentably distinguish over the Chuang patent for the same reasons as mentioned above in connection with the foregoing discussion of the Chuang patent '421. Thus, claims 5-8 and 11 are patentable along with their parent claim 14, and thus are in condition for allowance.

New method claims 15-26 and new system claims 27-38 specify the tracking in real-time location of a group of members within a defined environment.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date Oct. 7, 2003 By _____

Duckor Spradling & Metzger
401 West A Street, Suite 2400
San Diego, California 92101-7915

Telephone No.: 619.231.3666
Facsimile No.: 619.231.6629
Email Address: kleinke@dsm-law.com

Bernard L. Kleinke
Attorney for Applicant
Registration No. 22,123